

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Criminal No. 08-20518

Plaintiff,

HONORABLE PATRICK J. DUGGAN

-VS-

FOUAD TANANA,

Defendant.

\_\_\_\_\_ /

**PRELIMINARY ORDER OF FORFEITURE**

A Superseding Information was filed on November 6, 2008, which charged defendant Fouad Tanana with food stamp fraud and aiding and abetting in violation of 7 U.S.C. § 2024 and 18 U.S.C. § 2 (Count One), as well as wire fraud, aiding and abetting and causing an act to be done, in violation of 18 U.S.C. § 1343 and 2 (Counts Two and Three). The Superseding Information set forth forfeiture allegations, and placed defendant on notice that the government intended to seek a money judgment against defendant.

On November 12, 2008, defendant Fouad Tanana pleaded guilty to committing all of the offenses charged in the Superseding Indictment, including food stamp fraud and aiding and abetting in violation of 7 U.S.C. § 2024 and 18 U.S.C. § 2 for which criminal forfeiture was sought, and acknowledged that the government may seek, as part of defendant's sentence, a forfeiture money judgment against him in an amount up to \$274,000.

Under federal law, any person who is convicted of food stamp fraud, in violation of 7 U.S.C. § 2024, is required to forfeit to the United States any property constituting, or derived from, proceeds obtained directly or indirectly, as a result of that violation. 18 U.S.C. § 981; 28 U.S.C. § 2461; 7 U.S.C. § 2024(h).

The court is permitted to order forfeiture of an amount of money as opposed to specific assets, and the entry of a forfeiture order in the form of a personal money judgment is specifically authorized by Rule 32.2 of the Federal Rules of Criminal Procedure

Federal Rule of Criminal Procedure 32.2(b)(2)(C) provides that, if before sentencing the court cannot calculate the total amount of the money judgment, the court may enter a forfeiture order that “states that the order will be amended under Rule 32.2(e)(1) when . . . the amount of the money judgment has been calculated.”

IT IS HEREBY ORDERED AND ADJUDGED that a money judgment in an amount to be determined by this court is granted and entered against defendant Fouad Tanana in favor of the United States of America.

IT IS HEREBY ORDERED that this Preliminary Order of Forfeiture will be amended under Federal Rule of Criminal Procedure 32.2(e)(1) when the court determines the total amount of proceeds obtained directly or indirectly as a result of defendant’s violation of 7 U.S.C. § 2024, and that amount will be the amount of the money judgment against defendant.

IT IS FURTHER ORDERED that the money judgment may be satisfied, to whatever extent possible, from any property owned or under the control of defendant Fouad Tanana.

IT IS FURTHER ORDERED that pursuant to Federal Rule of Criminal Procedure 32.2, once this Preliminary Order of Forfeiture is amended under Rule 32.2(e)(1), when the amount of the money judgment has been determined by the court, it shall become the Final Order of Forfeiture at the time of defendant’s sentencing and shall be made part of the sentence and included in the Judgment. Because the forfeiture consists entirely of a money judgment, no ancillary proceeding is required.

IT IS FURTHER ORDERED that the court shall retain jurisdiction to enforce the Preliminary Order of Forfeiture and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e).

**IT IS SO ORDERED.**

S/Patrick J. Duggan  
Patrick J. Duggan  
United States District Judge

Dated: October 6, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on October 6, 2010, by electronic and/or ordinary mail.

S/Marilyn Orem  
Case Manager